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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,120	01/09/2001	Tetsuro Motoyama	198775US-2	5602

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

NOTIFICATION DATE	DELIVERY MODE
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01/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/756,120	Applicant(s) MOTOYAMA ET AL.	
	Examiner AZIZUL CHOUDHURY	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-19, 21-28, 30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-19, 21-28, 30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on October 31, 2007.

Response to Amendment

Applicant's arguments concerning the finality of the rejection of the last Office action are persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-28, 30, and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 25-28, 30, and 32-33 fail to fall within a statutory category of invention. They are directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. They're also clearly not directed to a composition of matter. Therefore, they're deemed non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14-19, 21-28, 30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al (US Patent No: US006108782A) in view of Brunet et al (US Patent No: 6,430,613), hereafter referred to as Fletcher and Brunet, respectively.

1. With regards to claims 1, 16, 25 and 34, Fletcher teaches through Brunet a computer-implemented remote device monitoring system, comprising: a local monitoring computer (*equivalent to the dRMON agents (hardware ESs with dRMON agents); column 6, lines 12-15, Fletcher*) configured to collect information from a device (*equivalent to ESs without dRMON agents*) connected to a first network using an SNMP protocol (*column 9, lines 39-40, Fletcher*), and to send the information to a remote monitoring computer (*equivalent to dRMON collector*) connected to a second network via a wide area network using a protocol (*see Figure 1, Fletcher*); and the remote monitoring computer configured to receive the information using the protocol and store the information in association with an IP address of the device in a digital repository connected to the second network (*column 14, line 42 and claim 12, Fletcher*), wherein the local monitoring computer is configured to automatically request the information from the device over the first network, without receiving any instructions from the remote monitoring computer requesting that the information be collected from the device (*column 9, lines 65-66, Fletcher*); and wherein after initialization of the local monitoring

computer, the local monitoring computer is configured to automatically send the information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected information be sent (column 9, lines 65-66, Fletcher).

While Fletcher teaches the monitoring of devices, Fletcher fails to teach the device information being sent to the local monitoring computer via SNMP. In the same field of endeavor, Brunet also teaches a network monitoring system. Within Brunet's design, ETs (equivalent to the claimed devices) (see Figure 1, Brunet) are monitored via SNMP by submanagers through a LAN (equivalent to claimed local monitoring device) (see column 6, lines 1-8 and Figure 1, elements titled COACH1 and COACH2, Brunet). The management information about the ETs (clients) is sent from the submanagers to the main manager through a WAN (see column 4, lines 1-13, Brunet). Furthermore, Brunet teaches how submanagers can automatically communicate with main managers (see column 6, lines 21-47 and column 7, lines 29-33, Brunet). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fletcher with those of Brunet, to provide a process and system for network management (see column 1, lines 5-6, Brunet).

2. With regards to claims 2, 17 and 26, Fletcher teaches through Brunet a system wherein the information comprises at least one of status information corresponding to the device and configuration information corresponding to the device (column 7, lines 45-55, Fletcher).

3. With regards to claims 3, 18 and 27, Fletcher teaches through Brunet a system wherein the device comprises a printer (*column 1, line 66 – column 2, line 3, Fletcher*).

4. With regards to claim 4, Fletcher teaches through Brunet a system wherein the status information comprises at least one of a low paper indicator, a no paper indicator, a low toner indicator, a no toner indicator, door open indicator, a jammed indicator, an offline indicator, and a service requested indicator (*column 7, lines 45-55, Fletcher*).

5. With regards to claim 5, Fletcher teaches through Brunet a system wherein the configuration information comprises at least one of a manufacturer of the device, a model of the device, a serial number of the device, a media access control address, an Internet protocol address, a company name, a street address, a city, a state, a postal code, a physical location of the device, a contact person for the device, a phone number for the contact person, and an e-mail address for the contact person (*column 7, lines 45-55 and column 14, line 32-33, Fletcher*).

6. With regards to claims 6, 19 and 28, Fletcher teaches through Brunet a system wherein at least a portion of the wide area network comprises the Internet (*column 18, lines 13-14, Fletcher*).

7. With regards to claims 7, 21, 30 and 35, Fletcher teaches through Brunet a system wherein the protocol comprises at least one of a simple mail transfer protocol and an Internet mail access protocol (*column 10, line 46 – column 11, line 33, Fletcher*).

8. With regards to claim 8, Fletcher teaches through Brunet a system wherein at least a portion of at least one of the first network and the second network comprises an intranet (*column 1, line 54 – column 2, line 10, Fletcher*).

9. With regards to claims 9 and 22, Fletcher teaches through Brunet a system wherein the digital repository comprises a database (*column 18, line 48, Fletcher*).

10. With regards to claims 10, 23 and 32, Fletcher teaches through Brunet a system wherein the local monitoring computer is further configured to store the collected information in a first digital repository connected to the first network, and to retrieve the information from the first digital repository (*column 20, lines 32-38, Fletcher*).

11. With regards to claims 11, 24 and 33, Fletcher teaches through Brunet a system wherein the digital repository comprises a database (*column 18, line 48, Fletcher*).

12. With regards to claim 12, Fletcher teaches through Brunet a system wherein the local monitoring computer comprises a computer readable medium encoded with processor readable instructions comprises at least one of a dynamic link library, a static

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link library, a script, a JAVA class, a C++ class, and a C library routine (*column 7, lines 51-53, Fletcher*).

13. With regards to claim 14, Fletcher teaches through Brunet a system wherein the remote monitoring computer is further configured to store the information in the digital repository through an open database connectivity interface (*column 20, lines 32-38, Fletcher*).

14. With regards to claim 15, Fletcher teaches through Brunet a system wherein the local monitoring computer is further configured to store the information in the first digital repository through an open database connectivity interface (*column 20, lines 32-38, Fletcher*).

15. The obviousness motivation applied to claims 1, 16, 25 and 34 are applicable to their respective dependent claims.

Response to Remarks

Applicant's arguments with respect to claims 1-12, 14-19, 21-28, 30 and 32-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145